IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 249 of 2006 (S/B)

Jagdish Chandra Belwal S/o Late Sri K.D. Belwal
Posted as Executive Engineer,
Public Works Department, Dehradun. …….. Petitioner

Versus

1. Secretary, Public Works Department,
   Uttaranchal Sashan, Dehradun.
2. Chief Engineer, Public Works Department,
   Dehradun, Uttaranchal, …….. Respondents

Sri Gopal Narain, Advocate for the petitioner.
Sri N.B. Tewari, Chief Standing Counsel with Sri Nank Chand Gupta, Standing Counsel for the respondents.

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble J.C.S. Rawat, J.

RAJEEV GUPTA, C. J. (Oral)

Sri Gopal Narain, Advocate for the petitioner.

Sri N.B. Tewari, Chief Standing Counsel with Sri Nank Chand Gupta, Standing Counsel for the respondents.

They are heard.

2. Sri N.B. Tewari and Sri Nanak Chand Gupta, the learned counsel for the respondents have raised a preliminary objection about the maintainability of the writ petition on the ground that the petitioner has an alternative efficacious remedy of filing a claim petition before the Public Services Tribunal for the reliefs sought in the writ petition.

3. Sri Gopal Narain, the learned Senior counsel for the petitioner could not demonstrate as to why the alternative remedy of filing a claim petition before the Public Services Tribunal is not efficacious in the present case.

4. In this view of the matter and following the Division Bench decisions of this Court in the cases of **Bhuvan Chandra Pandey and other Vs. State of Uttaranchal and others** reported in **2006(2) U.D. 439** and **Nanda Ballabh Pant Vs. State of Uttaranchal & others (W.P. No.**

257 (S/B) of 2005), we decline to exercise our discretionary jurisdiction under Article 226 of the Constitution of India.

6. The writ petition, therefore, is liable to be dismissed and is hereby dismissed with the liberty to the petitioner to avail the alternative remedy of filing a claim petition before the Public Services Tribunal for the redressal of his grievances projected in the writ petition.

7. With the above order, I.A. No. 337 of 2007 stands disposed of.

(J.C.S. Rawat, J.) 26.03.2007

(Rajeev Gupta, C. J.) 26.03.2007

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